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JOHN TENNISON

8 UNITED STATES DISTRICT COURT
9 NORTHERN DISTRICT OF CALIFORNIA

11 JOHN TENNISON,

12 Plaintiff,

13 v.

14 CITY AND COUNTY OF
SAN FRANCISCO; SAN FRANCISCO
15 POLICE DEPARTMENT; PRENTICE EARL
SANDERS; NAPOLEON HENDRIX; and
16 GEORGE BUTTERWORTH,

17 Defendants.

Case No. C 04-00574 CW (EMC)

**EXHIBIT 23 TO DECLARATION OF
DANIEL E. PURCELL IN SUPPORT OF
JOHN TENNISON'S OPPOSITION TO
MOTION FOR SUMMARY JUDGMENT
AND CROSS-MOTION FOR PARTIAL
SUMMARY JUDGMENT ON
MUNICIPAL LIABILITY**

Date: October 28, 2005

Time: 10:00 a.m.

Courtroom: 2

Judge: The Hon. Claudia Wilken

Additional Matters: **Cases consolidated.** Monell discovery delayed until February 2005; cutoff 6/2/05. Defendant Butterworth may make early "absolute immunity" motion and notice it for 10/22/04; plaintiff can make Rule 56(f) response. **Parties to file cross-motions re liability and immunity on six week schedule and notice for hearing on 4/15/05 at 10:00 a.m.** Plt. to file opening brief re

1 liability; dft. to file cross-mo. re non-liability/qualified or
2 absolute immunity two weeks later; plt. reply/oppo. due one week
3 thereafter; dft. surreply due one week later. Court stays personal
finance discovery until further notice unless agreed upon or
counsel may apply to the Court.

4 IT IS SO ORDERED.

5 Dated: 9/3/04

/s/ CLAUDIA WILKEN

CLAUDIA WILKEN

United States District Judge

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8 Copies to: Chambers; ADR
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NOTICE

Criminal Law and Motion calendar is conducted on Mondays at 2:00 p.m. (in custody) and 2:30 p.m. (not in custody). Civil Law and Motion calendar is conducted on Fridays at 10:00 a.m. Case Management Conferences and Pretrial Conferences are conducted on Fridays at 1:30 p.m. Order of call is determined by the Court. Counsel need not reserve a hearing date for civil motions; however, counsel are advised to check the legal newspapers or the Court's website at www.cand.uscourts.gov for unavailable dates.

Motions for Summary Judgment: All issues shall be contained within one motion and shall conform with Civil L.R. 7-2. Separate statements of undisputed facts in support of or in opposition to motions for summary judgment will not be considered by the Court. (See Civil Local Rule 56-2(a)). All briefing on motions for summary judgment must be included in the memoranda of points and authorities in support of, opposition to, or reply to the motion, and must comply with the page limits of Civil Local Rule 7-4. The memoranda should include a statement of facts supported by citations to the declarations filed with respect to the motion. Cross or counter-motions shall be contained within the opposition to any motion for summary judgment and shall conform with Civil L.R. 7-3. The Court may, *sua sponte* or pursuant to a motion under Civil L.R. 6-3, reschedule the hearing so as to give a moving party time to file a surreply to the cross or counter-motion.

All DISCOVERY MOTIONS are referred to a Magistrate Judge to be heard and considered at the convenience of his/her calendar. All such matters shall be noticed by the moving party for hearing on the assigned Magistrate Judge's regular law and motion calendar, or pursuant to that Judge's procedures.

In all "E-Filing" cases when filing papers in connection with any motion for determination by the judge, the parties shall, in addition to filing papers electronically, lodge with chambers a printed copy of the papers by the close of the next court day following the day the papers are filed electronically. **These printed copies shall be marked "Chambers Copy" and shall be submitted to the Clerk's Office, in an envelope clearly marked with the judge's name, case number and "E-Filing Chambers Copy."** Parties shall not file a paper copy of any document with the Clerk's Office that has already been filed electronically.

(rev. 6/21/04)